

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VEOXO, INC., et al.,)	
)	
Plaintiffs,)	Case No. 12 cv 9058
)	
v.)	Honorable Judge Edmond E. Chang
)	
VYASIL, LLC et al.,)	Honorable Magistrate Judge Maria Valdez
)	
Defendants.)	

**DEFENDANTS' MOTION FOR LEAVE
TO FILE PRE-TRIAL MATERIALS *INSTANTER***

Defendants Karl Wittstrom and Ryan Tannehill, by their attorneys, respectfully move this Court for leave to file *instante*r their objections to plaintiff's exhibits (attached as Exhibit A) and motions in limine directed at those exhibits (attached as Exhibit B). In support of this motion, defendants state as follows:

1. On April 26, 2019, this Court set a schedule for the parties to submit the proposed pre-trial order in this case. Dkt. No. 395. Under the initial scheduling Order, the pre-trial order and motions in limine were due August 12, 2019.

2. On August 1, 2019, defendants moved this Court for a two-week extension of the pre-trial dates, in part because of difficulties in coordinating the exchange of pre-trial materials with plaintiff and issues with the pre-trial materials that had been received from plaintiff to date. *See* Dkt. No. 409 at 2. Plaintiff objected to defendants' request for an extension. *Id.*

3. Over plaintiff's objection, the Court granted defendants' motion in part, extending the time to file the pre-trial materials to August 23, 2019. Dkt. No. 411.

4. During the weeks leading up to the filing of the Proposed Pre-Trial Order, defense counsel repeatedly raised concerns with plaintiff over his exhibit list, including issues with over-

designation and failure to identify certain exhibits with specificity. *See, e.g.*, Email, attached as Exhibit C; Dkt. No. 395-1. During a meet and confer on Wednesday, August 21, 2019, plaintiff promised to review his exhibit list and provide an updated list to defendants.

5. Plaintiff did not send his final exhibit list to defense counsel until 3:27am on August 23, 2019, the same day pre-trial materials were due. *See* Email, attached as Exhibit D. As a result of this timing and the volume of materials—plaintiff identified nearly 200 exhibits—defendants were unable to prepare their objections to plaintiff’s exhibits or their related motions in limine in time to file them with the Proposed Pre-Trial Order.

6. Accordingly, defendants now respectfully request that this Court grant them leave to file *instanter* defendants’ objections to plaintiff’s exhibits (attached as Exhibit A) and motions in limine directed at those exhibits (attached as Exhibit B).

7. Plaintiff objects to this request. *See* Email, attached as Exhibit E.

CONCLUSION

WHEREFORE, for the foregoing reasons, defendants Karl Wittstrom and Ryan Tannehill respectfully request that this Court grant them leave to file *instanter* defendants’ objections to plaintiff’s exhibits and motions in limine directed at those exhibits and any such other relief as the Court deems fit.

Dated: August 29, 2019

Respectfully submitted,

/s/ David M. Friebus

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CERTIFICATE OF SERVICE

The undersigned certifies that he caused the foregoing **MOTION FOR LEAVE TO FILE PRE-TRIAL MATERIALS *INSTANTER*** to be filed electronically on August 29, 2019. Notice of this filing will be sent to all parties registered on this Court's ECF system. Parties may access this filing through the Court's system.

/s/ David M. Friebus